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March 16, 2017

**By ECFS**

Marlene Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: **Assist Wireless, LLC Eligible Telecommunications Carrier and  
Lifeline Broadband Provider Requests; WC Docket Nos. 09-197, 11-  
42**

Dear Ms. Dortch:

Assist Wireless, LLC (Assist or the Company) by and through the undersigned counsel, hereby submits this letter regarding Assist's petitions for designation as an Eligible Telecommunications Carrier (ETC) in ten of the federal jurisdiction states<sup>1</sup> and Lifeline Broadband Provider (LBP) designation<sup>2</sup> that are currently pending before the Federal Communications Commission (Commission). Specifically, this letter is intended to:

1. Request that the Wireline Competition Bureau (Bureau) delineate a path forward for Assist to offer Lifeline broadband services by granting Assist's pending ETC Petition<sup>3</sup> no later than April 3, 2017 (the deadline for the Bureau to act on Assist's

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<sup>1</sup> See Assist Wireless, LLC Amended Petition for Limited Designation as an Eligible Telecommunications Carrier in Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee, and Virginia, WC Docket No. 09-197 (filed Apr. 24, 2013) (ETC Petition). The ETC Petition was originally submitted on January 4, 2013.

<sup>2</sup> See Assist Wireless, LLC Petition for Streamlined Designation as a Lifeline Broadband Provider Eligible Telecommunications Carrier, WC Docket No. 09-197 (filed Oct. 3, 2016) (LBP Petition).

<sup>3</sup> Alternatively, Assist requests LBP designation by the Bureau, including a designation that is limited to the twelve federal ETC jurisdictions as described below and which confers upon Assist

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LBP Petition pursuant to the procedures set forth in the Lifeline Modernization Order<sup>4</sup>) and confirming that approval of the Petition will also serve as approval of an Assist Compliance Plan;<sup>5</sup>

2. Reconcile the states and service areas in the ETC Petition and LBP petition where Assist seeks authority to provide Lifeline services (including removal of federally recognized Tribal lands from both requests); and
3. Clarify the proposed Lifeline service plans for which Assist seeks approval from the Commission.

Assist submits that these actions are consistent with the Commission's rules and orders for the Lifeline program, and therefore respectfully requests that the Bureau grant its ETC Petition, as modified by this letter, as soon as possible, but no later than April 3, 2017.<sup>6</sup>

### ***Company Background***

Assist is an established provider of wireless Lifeline services, and has distinguished itself in the Lifeline space by providing exceptional overall value to customers, field agents, partners, and the greater communities the Company serves. Assist provides customers with high-quality devices, competitive plan offerings, and affordable top-ups. Moreover, Assist provides its field agents with comprehensive training, rigorous internal compliance auditing, a wide array of marketing materials, and a multi-tiered support system that ensures their success and provides them with a life-long skill set. The Company also is committed to making Lifeline services available in the communities that benefit the most from the program.

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approved Compliance Plan status, no later than April 3, 2017. Assist is prepared to move forward with Lifeline broadband offerings as set forth in the LBP Petition, including bundled broadband service offerings that include voice.

<sup>4</sup> See *Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42 et al., Third Report and Order, Further Report and Order, and Order on Reconsideration, FCC 16-38, ¶ 281 (rel. Apr. 27, 2016) (Lifeline Modernization Order) (establishing that “the Bureau shall act on [LBP petitions that do not meet the criteria for streamlined processing] within six months of the submission of a completed filing”).

<sup>5</sup> As explained below, confirmation by the Bureau that Assist's ETC grant also would serve as approval of an Assist Compliance Plan is consistent with the Lifeline Modernization Order and will allow Assist to spur competition in the national market for Lifeline services by seeking additional ETC designations from individual state regulatory commissions.

<sup>6</sup> Alternatively, as stated above, Assists requests LBP designation by the Bureau, including a designation that is limited to the ten federal ETC jurisdictions identified in the LBP Petition and which confers upon Assist approved Compliance Plan status, no later than April 3, 2017.

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***Assist's Pending Petitions and Request for Immediate Action***

Assist's ETC Petition, originally filed in January 2013, has been pending before the Commission more than four years. Assist also submitted a Compliance Plan in June 2012, which remains pending before the Commission.<sup>7</sup> Most recently, Assist filed its LBP Petition on October 3, 2016.

Assist respectfully requests that the Bureau grant its ETC Petition, in the service territory described below, expeditiously. Granting Assist this authority in the twelve jurisdictions that do not designate wireless ETCs is clearly within the Commission's authority and would promote competition among Lifeline service providers in the federal ETC jurisdictions.

The Company also respectfully requests that the Bureau confirm that approval of the ETC Petition will also serve as approval of an Assist Compliance Plan.<sup>8</sup> With approved Compliance Plan status, Assist can then seek to provide Lifeline service in additional states by applying for similar wireless Lifeline-only ETC designations on a state-by-state basis in accordance with the requirements set forth by each state.

As stated in the LBP Petition, Assist commits to complying with the Lifeline Modernization Order and all other requirements set forth in the Lifeline rules. Additionally, in the future, Assist will implement any subsequent rule changes as of their effective date.

***Requested Service Areas in Assist's ETC Petition and LBP Petition***

Assist's ETC Petition requests authority to provide voice and broadband Lifeline services in the following jurisdictions: Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee, and Virginia. Each of these jurisdictions has provided an affirmative statement to the Commission that it does not assert authority over wireless resellers for the purpose of Lifeline-only ETC designation. In its LBP Petition, Assist requested authority to provide Lifeline broadband services in 37 states and territories, including eight of the ten federal ETC jurisdictions named in the ETC Petition,<sup>9</sup> plus Maine and Texas. Assist included as an attachment to the LBP Petition a list of zip codes it can serve in each of those jurisdictions pursuant to its agreements with its underlying service

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<sup>7</sup> Assist submitted a revised version of its Compliance Plan on April 12, 2013.

<sup>8</sup> Assist respectfully submits that the ETC Petition, as modified by the information provided in the LBP Petition, satisfies the "designation criteria [which the Commission deemed] sufficient to prevent waste, fraud, and abuse in the program, so a separate obligation to obtain approval for a compliance plan is not necessary." Lifeline Modernization Order, ¶ 281, n.739. As such, in connection with this request, Assist is willing to withdraw its currently pending Compliance Plan if approved compliance plan status is granted as part of its federal ETC or LBP grant.

<sup>9</sup> Assist did not include Delaware and the District of Columbia in its LBP Petition.

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provider. To reconcile any potential discrepancies between the service areas identified in the ETC Petition and the LBP Petition, Assist hereby clarifies that it is seeking ETC designation in the ten federal ETC jurisdictions named in its ETC petition, plus Maine and Texas, with the specific service areas defined by the list of zip codes that was provided with the LBP Petition.<sup>10</sup> Additionally, to assuage any potential concerns about infringing on Tribal sovereignty, Assist hereby modifies its ETC Petition to exclude all federally recognized Tribal lands within the twelve federal ETC jurisdictions.<sup>11</sup> Therefore, it cannot be argued that a copy of Assist's federal ETC petition must be provided to any Tribal authorities pursuant to section 54.202(c) of the Commission's rules.

***Assist's Proposed Lifeline Service Plans***

Assist's ETC Petition and LBP Petition included multiple proposed Lifeline service plans. To clarify, through this submission, the Company is requesting approval for the plan in its LBP Petition which would provide Lifeline subscribers with 500 MB of data, 500 voice minutes, and 500 text messages for \$10.00 per month. The Company understands that it must continue to comply with any future additions to or amendments of the Lifeline rules and will revise its offerings as necessary to comply, in the future, with updated service standards.<sup>12</sup> To be clear, however, Assist intends to include a voice component in all of its Lifeline plans. Thus, Assist is not seeking forbearance from the Commission's requirement to provide all supported services, including voice services.<sup>13</sup>

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<sup>10</sup> A list of zip codes that Assist can serve in Delaware and the District of Columbia is attached to this letter as **Exhibit A**.

<sup>11</sup> To the extent that any of the zip codes included in this list fall partially in a federally recognized Tribal land, Assist will not serve the residents of federally recognized Tribal lands within those zip codes.

<sup>12</sup> See Lifeline Modernization Order ¶ 93; 47 C.F.R. §§ 54.408(a)(2), (b)(2)(ii), (c).

<sup>13</sup> Lifeline Modernization Order ¶ 296.

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For all of the above-stated reasons, Assist respectfully requests that the Bureau grant its ETC Petition, as modified by this letter, or alternatively grant its LBP Petition, at least for the twelve federal ETC jurisdictions identified above, as soon as possible, but no later than April 3, 2017.

Respectfully submitted,



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*Counsel to Assist Wireless, LLC*

# **EXHIBIT A**

<b><u>Delaware</u></b>	19806	19946	20009	20056	20215	20299	20418	20506	20553
19331	19807	19947	20010	20057	20216	20303	20419	20507	20554
19340	19808	19950	20011	20059	20217	20306	20420	20508	20555
19357	19809	19951	20012	20060	20218	20314	20421	20509	20557
19374	19810	19952	20013	20061	20219	20317	20422	20510	20558
19375	19850	19953	20015	20062	20220	20318	20423	20511	20559
19701	19880	19954	20016	20063	20221	20319	20424	20515	20560
19702	19884	19955	20017	20064	20222	20340	20425	20520	20565
19703	19885	19956	20018	20065	20223	20355	20426	20521	20566
19706	19886	19958	20019	20066	20224	20370	20427	20522	20570
19707	19890	19960	20020	20067	20226	20372	20428	20523	20571
19708	19891	19961	20022	20068	20227	20373	20429	20524	20572
19709	19892	19962	20023	20071	20228	20374	20431	20525	20573
19710	19893	19963	20024	20073	20229	20375	20433	20526	20575
19711	19894	19964	20026	20074	20230	20376	20434	20527	20576
19712	19895	19966	20027	20075	20232	20380	20435	20528	20577
19713	19896	19967	20029	20076	20235	20388	20436	20529	20578
19714	19897	19968	20030	20077	20237	20390	20437	20530	20579
19715	19898	19969	20032	20078	20238	20391	20439	20531	20580
19716	19899	19970	20033	20080	20239	20392	20440	20532	20581
19717	19901	19971	20035	20081	20240	20393	20441	20533	20585
19718	19902	19973	20036	20082	20241	20394	20442	20534	20586
19720	19903	19975	20037	20088	20242	20398	20444	20535	20590
19721	19904	19977	20038	20090	20244	20401	20447	20536	20591
19725	19905	19979	20039	20091	20245	20402	20451	20537	20593
19726	19906	19980	20040	20097	20250	20403	20456	20538	20594
19730	19930	21651	20042	20098	20251	20404	20460	20539	20597
19731	19931	<b><u>District</u></b>	20043	20165	20252	20405	20463	20540	20616
19732	19933	<b><u>of</u></b>	20044	20201	20254	20407	20468	20541	20640
19733	19934	<b><u>Columbia</u></b>	20045	20202	20260	20408	20469	20542	20854
19734	19936	20001	20046	20203	20261	20410	20470	20543	22060
19735	19938	20002	20047	20204	20262	20411	20472	20544	22066
19736	19939	20003	20049	20208	20265	20412	20500	20546	22309
19801	19940	20004	20050	20210	20266	20413	20501	20547	56901
19802	19941	20005	20051	20211	20268	20414	20502	20548	56902
19803	19943	20006	20052	20212	20270	20415	20503	20549	56904
19804	19944	20007	20053	20213	20277	20416	20504	20551	56915
19805	19945	20008	20055	20214	20289	20417	20505	20552	56920

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